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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Osher, et al.

Serial No.: 10/039,748

Filed: December 18, 2001

For: System for Geometrically Accurate Compression
and Decompression

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)
) Examiner: (Unassigned)
) Group Art Unit: (Unassigned)
)
) Attorney Docket: 03.002
)
)
)

PETITION TO GRANT CORRECT FILING DATE:

REQUEST FOR REFUND OF PETITION FEE:

and

SUBMISSION OF DECLARATION OF INVENTORS

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 06 2002

OFFICE OF PETITIONS

Dear Sir:

Applicants hereby petition to have December 18, 2001 granted as the correct filing date in the current application, with priority accorded to the date of December 20, 2000, which was the filing date of U.S. Provisional Patent Application No. 60/257,210, from which the current application claims benefit. The petition fee of \$130.00 pursuant to 37 CFR Section 1.17(h) is enclosed. However, as discussed below, there was no defect in the filing of this application, and applicants therefore *request a refund of the petition fee*.

On December 18, 2001, the undersigned, Matthew Rainey, filed by United States Express Mail (Express Mail Label No. EF083383464US) the following items:

1. Utility Patent Application Cover Sheet (1 page);
2. Specification (23 Pages, with title page);
3. Drawings (8 Sheets); and
4. a return receipt postcard itemizing each of the above.

These materials were duly received in the U.S. Patent Office, as reflected by the date-stamp label on the return receipt postcard. A photocopy of the return receipt postcard, properly

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130.00 OP

Adjustment date: 07/17/2002 AKELLEY
03/04/2002 GTEFFERA 00000054 10039748
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Refund Ref: 07/17/2002 AKELLEY 0000118927

-130.00 OP

CHECK Refund Total: \$130.00

identifying the application by inventors, title and docket number, and listing items 1-3 above, is attached hereto. The return receipt postcard is dated December 18, 2001 by the U.S. Patent Office, and assigns a serial number of 10/039,748.

On February 11, 2001, the undersigned received a Notice of Incomplete Nonprovisional Application dated February 6, 2002, a copy of which is attached hereto. This Notice states that the application was deposited without drawings. However, as indicated above, the drawings were in fact included with the application as filed, which is reflected by the return receipt postcard.

The submission of this application and return receipt postcard were in compliance with Patent Office procedures, which state (see MPEP 503) that "[i]t is important that the return postcard itemize all of the components of the application" (see page 500-13), and further, at page 500-14 under the heading "RETURN POSTCARD":

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. **A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt of all the items listed thereon on the date stamped thereon by the USPTO.**

(Boldface added.)

For the Commissioner's reference, attached is a complete copy of the application as filed, including the transmittal cover sheet, the specification (23 pages) and the drawings (8 sheets), as reflected on the return receipt postcard.

Finally, attached are the executed Declaration by the inventors herein, and a check for \$739.00 to cover: (1) the basic filing fee (for a Small Entity) of \$370.00; (2) the Extra Claims Fees of \$175.00; (3) the surcharge for late submission of filing fee or oath (\$65.00); and (4) the \$130.00 fee pursuant to 37 CFR 1.17(h). (See enclosed Fee Transmittal sheet for FY 2002, PTO/SB/17.)

In light of the foregoing, applicants request confirmation of the proper filing date of December 18, 2001 in this application, along with acknowledgment of priority to the provisional application referred to the application. In addition, as noted above, applicants are requesting a refund of the \$130.00 petition fee under 37 CFR 1.17(h).

If there are any questions in this matter, the Commissioner is requested to contact the undersigned at (510) 540-5580.

Respectfully submitted,

LAW OFFICES OF MATT RAINEY

Date: February 12, 2002

By Matthew Rainey
Matthew Rainey
Registration No. 32,291

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Berkeley, California 94708-2127
(510) 540-5580

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 12, 2002.

Matthew Rainey Feb. 12, 2002
Signature Date

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